



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

AUG 1 2008

The Honorable Susan T. Zelman
Superintendent of Public Instruction
Ohio Department of Education
25 South Front Street
Columbus, Ohio 43215-4163

Dear Superintendent Zelman:

Congratulations on submitting a successful proposal for the U.S. Department of Education's (Department) differentiated accountability pilot. This pilot provides states with an opportunity to explore ways to better match the interventions to improve student achievement to the academic reasons that led to a school's identification for improvement, and helps states target resources and interventions to those schools most in need of intensive assistance under the *Elementary and Secondary Education Act* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). I commend you and your staff on developing a technically and educationally sound proposal that is consistent with the core principles of the pilot.

As mentioned by the Secretary in her July 1, 2008 letter, on behalf of the Department, I am entering into this flexibility agreement with Ohio under section 9401 of the ESEA. This agreement permits Ohio to include its differentiated accountability model as a part of its system of interventions under section 1116 of the ESEA for a period of up to four years, from the 2008-09 school year through the 2011-12 school year, unless reauthorization of the ESEA changes the requirements on which Ohio's model is based. As part of this flexibility agreement, Ohio must agree to certain conditions detailed in the enclosure of this letter and summarized below. Should Ohio fail to satisfy these conditions, or should it fail to remain eligible to participate in the pilot, the Department may terminate this flexibility agreement.

To participate in the pilot, Ohio must participate in the Department's evaluation of its differentiated accountability pilot program and provide data to the Department on the number and characteristics of schools in each category and phase of improvement under the differentiated accountability model.

As required by section 9401(b)(3)(A) of the ESEA, within 30 days of the date of this letter, Ohio must provide all interested local educational agencies in the state with notice in the manner in which it customarily provides similar notice to the public and a reasonable opportunity to comment on its request to participate in the differentiated accountability pilot. Within 30 days thereafter, Ohio must submit any comments to the Secretary. Ohio must also submit a report under section 9401(e)(2) of the ESEA to the Department at the end of the school year that describes its use of the differentiated accountability model.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Again, I congratulate you on Ohio's successful differentiated accountability proposal. I look forward to seeing the impact of the differentiated accountability model on student achievement and school reform in Ohio. If you have any questions, please do not hesitate to contact Abigail Potts (Abigail.Potts@ed.gov) or Patrick Rooney (Patrick.Rooney@ed.gov) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Briggs', written over a light blue horizontal line.

Kerri L. Briggs, Ph.D.

Enclosure

cc: Governor Ted Strickland
Stephen Barr

Conditions of Flexibility Agreement with Ohio

To participate in the U.S. Department of Education's (Department) differentiated accountability pilot, Ohio must agree to take each of the following actions:

- Provide data comparing the number and characteristics of schools in each level of school improvement under the statutory requirements and the number and characteristics of schools in each category of improvement under Ohio's differentiated accountability model.
- Participate in the Department's evaluation of its differentiated accountability model.